UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,025	09/30/2003	Michael C. Koss	MS1-0238USC1	4820

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ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/675,025	KOSS, MICHAEL C.
	Examiner	Art Unit
	STEVEN LIM	2617

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 October 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5,9,10,12,13,15-19 and 21-24_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-5,9,10,12,13,15-19 and 21-24_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

9/15/2008 has been entered.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 1-5 and 9 rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Regarding Claims 1-5 and 9, the claims are

directed towards a computer-readable storage medium which is not defined in the

specification and thus is taken to be the same as a carrier wave which is non-statutory.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

6.   Claims 1-5, 10, 12, 13, 15-18, and 22 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Kimoto et al. (US 6115611) in view of Phelan (US 6240360).

7.   Regarding Claims 1, 4, and 10, Kimoto et al. discloses a mobile hyperlink

browser that communicates with a remote server (Col. 33, Lines 16-26), accepting a

designation of hyperlinked content from a user (Col. 55, Lines 18-31), and obtaining the

geographical coordinates of the mobile client from a global positioning receiver

associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6), sending an HTTP

request that includes geographical coordinates of a mobile client to the server (Col. 56,

Lines 53-60), receiving from a server, geographically dependent content that is

customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37),

the geographically-dependent content including a valid zone indicator indicating an area

or range relative to the geographical coordinates in which the geographically-dependent

content is valid and displayed on the mobile client (mapped area zoned from total area

as areas within the dotted lines shows that a zone is valid for selection where map

shows multiple zones within a range of the current location of the device on the mobile

client, Fig. 25, Col. 38, Line 62-Col. 39, Line 4), wherein the range is customized in size

by the server according to the geographic coordinates and the geographically

dependent content (User scrolls selected area and range is customized by server

through the retrieval of Map2, Map3, and Map4 to form the new range displayed

including content, Col. 62, Line 37- Col. 63, Line 30 and Col. 38, Line 62-Col. 39, Line

4), comparing a current location of the mobile client to the valid zone (terminal side

proxy checks demanded data from mobile phone against accumulated map data, Col.

60, Lines 7-13), determining that the geographically-dependent content is no longer

valid based on the comparison (Col. 60, Lines 23-29), sending a new HTTP request that

includes new geographical coordinates of the mobile client (Col. 60, Lines 23-29) and

invalidating the geographically-dependent content when the mobile computer leaves an

area (old map does not have new location and new map is retrieved and displayed in

place of old map, Col. 60, Lines 30-50), however Kimoto et al. fails to disclose the

coordinates in a header of the request.

8.   In an analogous art, Phelan discloses coordinates in a header of a HTTP request

to receive information about a current location (Col. 7, Line 65- Col. 8, Line 38), which

enables implementation in a web browser (Col. 8, Lines 39-60).

9.   It would have been obvious to one having ordinary skill in the art at the time of

invention was made to sending coordinates in a header in order to allow for the use of a

standard browser (Col. 8, Lines 39-60).

10.   Regarding Claim 2, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), the geographically-dependent content including a valid zone indicator indicating an area in which the geographically-dependent content is valid (mapped area zoned from total area, map1.gif, Fig. 67).

11.   Regarding Claim 3, Kimoto et al. further discloses accepting a designation of hyperlinked content from a user (Col. 55, Lines 18-31), and obtaining the geographical coordinates of the mobile client from a global positioning receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6).

12.   Regarding Claim 5, Kimoto et al. further discloses the geographically-dependent content that is considered valid is displayed by the hyperlink browser program and the geographically-dependent content that is not considered valid is not displayed by the hyperlink browser program (User scrolls to different part of map which prompts the download of Map2, Map3, and Map4 because the area selected includes those valid maps where Map 5-9 are not valid and they are not retrieved, Fig. 68, Col. 62, Line 37- Col. 63, Line 30).

13.   Regarding Claim 12, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total

area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when the mobile

computer leaves the indicated geographical zone (terminal side proxy checks

demanded data from mobile phone against accumulated map data for validity and if no

map data is found HTTP request is sent to the information center for new map retrieval,

Col. 60, Lines 7-13, Lines 23-37).

14.   Regarding Claim 13, Kimoto et al. discloses a computer (mobile terminal)

including a mobile hyperlink browser that communicates with a remote server wirelessly

(Col. 33, Lines 16-26, Lines 42-55) that sends HTTP requests that include multiple

geographical coordinates of a mobile client to the server (Col. 56, Lines 53-60), and

obtaining the geographical coordinates of the mobile client from a global positioning

receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6), receiving

from a server, geographically dependent content that is customized to the geographical

coordinates in the HTTP request (Col. 60, Lines 30-37), the geographically-dependent

content including a valid zone indicator indicating an area in which the geographically-

dependent content is valid (mapped area zoned from total area shows that a zone is

valid for selection, map1.gif, Fig. 67), wherein the area is customized in size according

to the geographically dependent content (Col. 38, Line 62-Col. 39, Line 4) and

invalidating the geographically-dependent content when the mobile computer leaves an

area (old map does not have new location and new map is retrieved and displayed in

place of old map, Col. 60, Lines 30-50) , however Kimoto et al. fails to disclose the

coordinates in a header of the request.

15.   In an analogous art, Phelan discloses coordinates in a header of a HTTP request to receive information about a current location (Col. 7, Line 65- Col. 8, Line 38), which enables implementation in a web browser (Col. 8, Lines 39-60).

16.   It would have been obvious to one having ordinary skill in the art at the time of invention was made to sending coordinates in a header in order to allow for the use of a standard browser (Col. 8, Lines 39-60).

17.   Regarding Claim 15, Kimoto et al. further discloses receiving from a server, geographically dependent content that is customized to the geographical coordinates in the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned to the hyperlink browser program in conjunction with the geographically dependent content, the valid zone specification indicating a geographical zone within which the geographically-dependent content is considered valid (mapped area zoned from total area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when the mobile computer leaves the indicated geographical zone (terminal side proxy checks demanded data from mobile phone against accumulated map data for validity and if no map data is found HTTP request is sent to the information center for new map retrieval, Col. 60, Lines 7-13, Lines 23-37).

18.   Regarding Claims 16 and 17, Kimoto et al. discloses a computer (mobile terminals, Fig. 1) including a mobile hyperlink browser that communicates with a remote server wirelessly (Col. 33, Lines 16-26, Lines 42-55) that sends HTTP requests that include multiple geographical coordinates of a mobile client to the server (Col. 56, Lines 53-60) according to a designation of hyperlinked content from a user (Col. 55, Lines 18-

31), obtaining the geographical coordinates of the mobile client from a global positioning

receiver associated with the mobile client (Col. 59, Line 60- Col. 60, Line 6), and

receiving from a server, geographically dependent content that is customized to the

geographical coordinates in the HTTP request (Col. 60, Lines 30-37), and rendering or

displaying the received information (Col. 60, Lines 46-50), receiving from a server,

geographically dependent content that is customized to the geographical coordinates in

the HTTP request (Col. 60, Lines 30-37), the geographically-dependent content

including a valid zone indicator indicating an area in which the geographically-

dependent content is valid (mapped area zoned from total area shows that a zone is

valid for selection, map1.gif, Fig. 67), wherein the area is customized in size according

to the geographically dependent content (Col. 38, Line 62-Col. 39, Line 4), however

Kimoto et al. fails to disclose the coordinates in a header of the request.

19.   In an analogous art, Phelan discloses coordinates in a header of a HTTP request

to receive information about a current location (Col. 7, Line 65- Col. 8, Line 38), which

enables implementation in a web browser (Col. 8, Lines 39-60).

20.   It would have been obvious to one having ordinary skill in the art at the time of

invention was made to sending coordinates in a header in order to allow for the use of a

standard browser (Col. 8, Lines 39-60).

21.   Regarding Claim 18, Kimoto et al. further discloses the geographical coordinates

are included in an HTTP request header along in the HTTP request (Col. 56, Lines 53-

60).

22.   Regarding Claim 22, Kimoto et al. further discloses a valid zone specification is
returned to the hyperlink browser system in conjunction with the geographically
dependent content, the valid zone specification indicating a geographical zone within
which the geographically-dependent content is considered valid (mapped area zoned
from total area of all maps, map1.gif, Fig. 67) and sending a new HTTP request when
the mobile computer leaves the indicated geographical zone (terminal side proxy
checks demanded data from mobile phone against accumulated map data for validity
and if no map data is found HTTP request is sent to the information center for new map
retrieval, Col. 60, Lines 7-13, Lines 23-37).

23.   Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Kimoto et al. (US 6115611) in view of Phelan (US 6240360) and further in view of Izawa
(US 5471205).

        Regarding Claim 9, Kimoto et al. further discloses receiving from a server,
geographically dependent content that is customized to the geographical coordinates in
the HTTP request (Col. 60, Lines 30-37), wherein a valid zone specification is returned
to the hyperlink browser program in conjunction with the geographically dependent
content, the valid zone specification indicating a geographical zone within which the
geographically-dependent content is considered valid (mapped area zoned from total
area of all maps, map1.gif, Fig. 67) and invalidating the geographically-dependent
content when the mobile computer leaves an area (old map does not have new location

and new map is retrieved and displayed in place of old map, Col. 60, Lines 30-50),

however Kimoto et al. fails to disclose the area is a valid radius.

In an analogous art, Izawa discloses a valid radius for maps (Col. 2, Lines 47-

62), which enables the display to forgo displaying excessive map information (Col. 2,

Lines 62-63).

It would have been obvious to one having ordinary skill in the art at the time of

invention was made to create map zones with valid radii in order to forgo displaying

excessive map information (Col. 2, Lines 62-63).

24.   Regarding Claim 21, Kimoto et al. further discloses a valid zone specification is

returned to the hyperlink browser program in conjunction with the geographically

dependent content, the valid zone specification indicating a geographical zone within

which the geographically-dependent content is considered valid (mapped area zoned

from total area of all maps, map1.gif, Fig. 67), however Kimoto et al. fails to disclose the

area is a valid radius.

In an analogous art, Izawa discloses a valid radius for maps (Col. 2, Lines 47-

62), which enables the display to forgo displaying excessive map information (Col. 2,

Lines 62-63).

It would have been obvious to one having ordinary skill in the art at the time of

invention was made to create map zones with valid radii in order to forgo displaying

excessive map information (Col. 2, Lines 62-63).

25.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (US 6115611) in view of Phelan (US 6240360) and further in view of Schreder (US 5504482).

26.   Regarding Claim 19, Kimoto et al. discloses the server returning content, however Kimoto et al. fails to disclose returning advertising supplements, and where one server is configured to select advertising supplements returned to a particular mobile client based on their location.

    In an analogous art, Schreder et al. discloses sending a navigational unit advertisements based on location (Col. 13, Lines 28-36), which enables the user to be informed of pertinent information along the route (Col. 13, Lines 23-28).

    It would have been obvious to one having ordinary skill in the art at the time of invention was made to return advertisement information based on location in order to pass to the user pertinent information along a route (Col. 13, Lines 23-28).

27.   Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto et al. (US 6115611) in view of Phelan (US 6240360) and further in view of DeLorme et al. (US 5848373).

28.   Regarding Claim 23, Kimoto et al. further discloses returning geographically dependent content, however Kimoto et al. fails to disclose the content comprises a listing of mobile users in proximity to requesting mobile clients.

In an analogous art, DeLorme et al. discloses a database with user locations that can be displayed (Col. 12, Lines 40-62), which enables pertinent information to be displayed.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to return a list of mobile users that are in vicinity in order to show the location of others who may be pertinent to the requesting mobile client.

29.   Regarding Claim 24, Kimoto et al. further discloses the server maintaining a database of geographically dependent content, however Kimoto et al. fails to disclose the content comprises a listing of mobile users in proximity to requesting mobile clients.

In an analogous art, DeLorme et al. discloses a database with user locations that can be displayed (Col. 12, Lines 40-62), which enables pertinent information to be displayed.

It would have been obvious to one having ordinary skill in the art at the time of invention was made to return a list of mobile users that are in vicinity in order to show the location of others who may be pertinent to the requesting mobile client.

Response to Arguments

30.   Applicant's arguments with respect to claims 1-5, 9-10,12-13,15-19,and 21-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN LIM whose telephone number is (571)270-1210. The examiner can normally be reached on Mon-Thurs 9:00am-4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. L./
Examiner, Art Unit 2617

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617